

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q95579

Fumiki HARANO, et al.

Appln. No.: 10/584,836

Group Art Unit: 3457

Confirmation No.: 3457

Examiner: David J. WALCZAK

Filed: October 23, 2006

For: BAR-LIKE COSMETIC DELIVERING CONTAINER

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please review and enter the following remarks summarizing the telephone interview conducted on January 28, 2009, including Examiner Walczak and John Bird:

REMARKS

During the interview, Applicant's representative argued that Inoue et al. (US 5,873,667) does not disclose or suggest the feature of *the cylindrical fitting member not being in contact with the cylindrical holding member* (as shown in FIG. 2 of the specification). Instead, as shown in, for example, FIGS. 18A and 18B of Inoue, the insert sleeve 7 (asserted by the Examiner as corresponding to the recited fitting member) is in contact with the main body 3 (asserted by the Examiner as corresponding to the recited holding member).

Although no agreement was reached with respect to whether amendment claim 1 is allowable, the Examiner agreed to consider this amendment.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

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It is believed that no petition or fee is required. However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

/John M. Bird/

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